

The Dallas Community Police Oversight Board

A New Model to Improve Accountability and Public Trust

Presented 12.11.18:

Dallas Community Police Oversight Coalition

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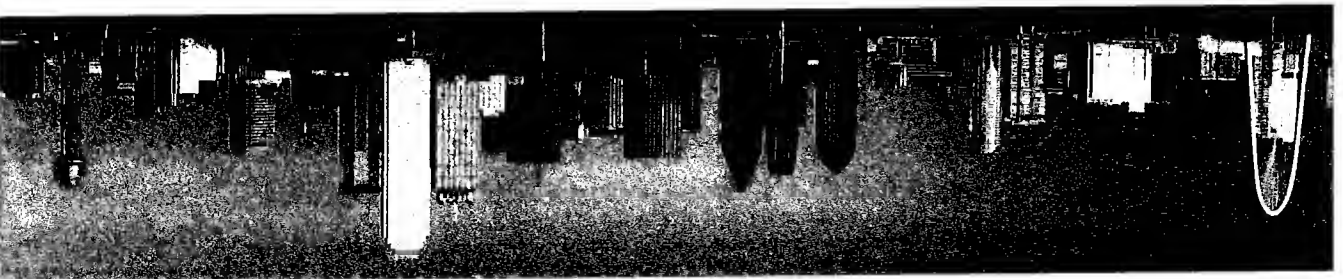
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What the New Plan *Does Not Do*

It does not operate as an anti-police agency.

- The Oversight Board and Police share common objectives, with complementary and supportive roles.
- It does not take away the Chief's role.
- It does not duplicate DPD's investigative resources and add needless expense.

Dallas Community Police Oversight Board: A New Model to Improve Accountability and Public Trust



Since its founding, Dallas's Civilian Police Review Board has been unable to provide meaningful oversight over the Police Department. Change is overdue. The time for accountability is now.

Structural Independence

CPOB will be an independent, civilian-led oversight agency with 3 parts: a volunteer board, paid staff, and a community advisory council. Powers include:

- Monitoring and witnessing DPD investigations;
- Making recommendations to DPD before investigations are finalized, or launching an independent investigation; and
- Making recommendations about DPD policies, trainings, and the early warning system, etc.

Public Outreach and Engagement
CPOB will regularly engage the public to make sure information flows in both directions. CPOB will include community input in its recommendations about police policies and the like, and will help respond to critical incidents.

The Dallas Community Police Oversight Coalition includes: Action America, ACLU of Texas, CAIR-DFW, Dallas Action, Democratic Socialists of America, Equal Justice Center, Faith Forward Dallas, Faith in Texas, Friendship-West Baptist Church, Local Progress, Mi Familia Vota, Next Generation Action Network, North Texas Dream Team, Red Handed Warrior Society, Refugee and Immigrant Center for Education and Legal Services, Showing Up For Racial Justice, Take Back Oak Lawn, Texas Organizing Project, The Office of Diane Ragsdale, Workers Defense Project

Transparency and Accountability

CPOB will make regular public reports about its own work, as well as DPD's activities.

- Law and policies related to policing; and
- Resident perspectives on historical and identity-based realities that inform community-police interactions.

Training and Continuing Education

CPOB board members and staff will have robust training in many areas, including:

- Everyone has real access to the complaint process;
- Mediation is an option for resolving complaints; and
- Residents can track their complaints through the process.

Procedural Fairness

CPOB will give residents a transparent process for the investigation of complaints, ensuring:

Dallas Police Oversight Board Plan: A Community-Centered Approach to Improve Police Accountability and Trust

12.3.18

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Table of Contents

Introduction	3
Community Police Oversight Board Coalition Members & Signatories	5
Community Police Oversight Board: A Community-Centered Approach.....	6
I. Definitions.....	6
II. Mission, Objectives, and Duties	6
A. Mission	6
B. Objectives	6
C. Duties.....	7
III. Operating Principles.....	7
A. Structural Independence	7
B. Procedural Fairness.....	8
C. Public Outreach & Engagement.....	8
D. Transparency & Accountability.....	8
E. Training & Continuing Education.....	8
IV. Implementation: Structural Independence	8
A. Scope of Authority.....	8
B. Complaint Submissions	9
C. Monitoring & Investigating Critical Incidents and Complaints	9
D. Evaluating Police Findings and Initiating Investigations.....	10
E. Recommendations Concerning Customs, Policies, Practices, Procedures, Training, Continuing Education, and the Early Warning System.....	11
V. Implementation: Procedural Fairness	12
A. Complaint Form.....	12
B. Complaint Process (See Exhibit I).....	13
C. Resolution of Minor Complaints (Exhibit I).....	14
D. Resolution of All Other Complaints: Formal Internal Affairs Review (Exhibit I).....	15
E. Complainant Tracking.....	16
VI. Implementation: Public Outreach & Engagement.....	16
A. Response to Critical Incidents.....	16
B. Community Engagement.....	16
C. Online Community Engagement.....	17

VII.	Implementation: Accountability and Transparency	17
A.	Planning and Reporting	17
B.	Annual Reports	18
VIII.	Implementation: Training & Continuing Education.....	18
IX.	CPOB Structure and Funding	19
A.	Civilian Governing Board	19
B.	Professional Staff.....	21
C.	Community Advisory Council	23
D.	Budget.....	23
	Exhibit 1: Complaint Process Map.....	24
	Exhibit 2: Mediation Process Map	25
	Exhibit 3: Policy Recommendation Process Map	26
	Exhibit 4: Organizational Vision.....	27
	Exhibit 5: Police Oversight Budgets for Other Cities	28

Introduction

In cities all across America, local governments and police departments are experiencing a wave of civic energy in the form of protest, civil unrest, and advocacy to address the historical problems between police departments and the communities they serve. This wave of outrage, sparked by high-profile police shootings, particularly of people of color, has become a catalyst for local governments to rethink modern day policing practices to enhance public trust, accountability, and oversight of police departments.

Like their counterparts in cities across the country, Dallas residents have been advocating for police reform for decades. In 1987, the outrage stemming from a sharp increase in police shootings of mostly African Americans served as the catalyst for the creation of the Dallas Citizen Police Review Board.¹ However, six months after CPRB's founding, the City Council limited its power under pressure from the Dallas Police Association, the city's largest and richest police union.² The Council restricted CPRB's subpoena power and its authority to conduct independent investigations.³ This has made the board largely ineffective as a vehicle to enhance procedural fairness, transparency, and public trust. The CPRB has remained a source of tension between communities and the City. Calls to strengthen the CPRB have gone largely ignored by the City and Police Department for over 30 years.

Against this historical backdrop, the Community Police Oversight Board Coalition⁴ believes that Dallas is at a critical moment to finally rise to the challenge and create a new model for Dallas policing by transforming the current CPRB into an independent oversight agency.

The plan set forth here is based on years of community organizing, policy research, and best practices, including studies such as:

- *A New Citizen Police Oversight Commission for Dallas: The Report of Congresswoman Eddie Bernice Johnson's Task Force on Citizen Review of Police, Mothers Against Police Brutality* (February 2017);⁵
- *Reform the Dallas Citizen Police Review Board: A Solution to Create Community Trust, Accountability and Transparency, Dallas Action* (July 2016);⁶

¹ The first predecessor to the CPRB, the Police Advisory Committee, was put into place on June 25, 1980, Ord. 16611, and the Citizens/Police Relations Board was put into place shortly thereafter in 1981. James Ragland, *Frustrated Chairman Quits Police Review Board*, DALL. MORN. NEWS (May 25, 1990). In December 1987, the City Council re-configured the Citizens/Police Relations Board into the Citizens Police Review Board, making the Board larger, and granting it subpoena power and the authority to hire an independent investigator to look at incidents resulting in physical injury or use of deadly force. James Ragland, *Council OK New Police Review Panel*, DALL. MORN. NEWS (Dec. 17, 1987).

² James Ragland, *Police Campaign Prompts Racism Charges, Denials: DPA, Perot Stand Behind Effort*, DALL. MORN. NEWS (Mar. 12, 1988); James Ragland, *Most on Council Back Police-Review Compromise*, DALL. MORN. NEWS (Mar. 19, 1988).

³ James Ragland, *Council Limits Police Review Panel Power*, DALL. MORN. NEWS (June 9, 1988).

⁴ The Coalition is a diverse group of members and organizations from across the city. Those members and organizations are listed *infra* at 5.

⁵ *Available at* <http://mothersagainstpolicebrutality.org/wp-content/uploads/2018/03/Task-Force-Report-on-Citizen-Review-of-Police-15-February-2017-FINAL.pdf>.

⁶ *Available at* https://docs.google.com/document/d/1pIpHTBOb_GxiFORU6MM_PHiF6ZF97EC8q53rvyLJik/edit?usp=sharing.

- *The Final Report of the President's Task Force on 21st Century Policing* (May 2015);⁷ and
- *Review of Deadly Force Training and Policies*, The Alpert Group (1987).

Additionally, the Coalition has gathered extensive research from local and national experts on civilian oversight models including:

- Criminal justice experts nationwide;
- A comprehensive review of oversight, auditor, and review board models from over a dozen major cities;
- Community input from Dallas residents; and
- Meetings with city stakeholders including Chief U. Renee Hall, CPRB Chair Dr. Brian Williams and current CPRB Members, and Dallas City Council Members.

This plan abolishes the CPRB, and replaces it with a new entity for police oversight: the Community Police Oversight Board.

⁷ *Available at* <http://clearing-courses.net/jacp/html/webinarResources/170926/FinalReport21stCenturyPolicing.pdf>.

Community Police Oversight Board Coalition
Members & Signatories



And various individuals including: Dr. Freddie Haynes III and Diane Ragsdale.



Faith Forward Dallas @ThanksGiving Square
Unites Faith Leaders for Justice and Compassion

Faith Forward Dallas at Thanks-Giving Square is a multi-faith clergy group organized for justice and compassion. We represent many different communities of faith and have a keen interest in a compassionate approach to law enforcement in Dallas.

We are pleased to offer our support as part of the coalition working to direct the creation of the Independent Community Police Oversight Board, and recognize the plan put forward as an important and necessary start to the process. We believe it represents a robust set of processes, procedures, boundaries, etc., within which residents, police and the community at large will all benefit.

Further, we believe an equally important and complementary initiative involves creating systemic change to individual attitudes, prejudices, and learning - those elements that address the spiritual, the heart and soul. FFD@TGS seeks a continuing role in support of the new Community Oversight Board, but feel our real contribution will come in the second area - which goes well beyond the new board's domain - addressing systemic changes in the hearts of all constituencies - the police and the policed!

We bring a spirit of goodwill to the work of balancing justice and compassion, and accept that the problems are reflective of longstanding divisions in our communities at all levels. Overall, our aim is to avoid violence, especially against people of color and communities challenged by poverty, and the vulnerability of immigrant status in Dallas.

FFD@TGS applauds the community efforts to address these very difficult issues and congratulate those with an open mind to the necessary change. Empowering an Independent Police Oversight Board, while continuing to strive for continual improvement and "best practices", is a very meaningful start. FFD@TGS stands ready to support this new approach to bring about transformative change in the community.

Thank you,
FFD@TGS

Almas Muscatwalla - Executive Director
Rev. George Mason - Convener
Rev. Rachel Baughman - Convener-Elect
Rev. Daniel Kanter-Committee Chair, Communication
Kyle Ogden - President & CEO Thanks-Giving Foundation
Rev. Dr. Neil G. Cazares-Thomas

Faith Forward Dallas @ Thanks-Giving Square
Unites Faith Leaders for Justice and Compassion

Thanks
Thanks-Giving Foundation

Community Police Oversight Board: A Community-Centered Approach

I. Definitions

Throughout this document, terms are defined as follows:

- A. "City" refers to the City of Dallas.
- B. "Community Police Oversight Board" or "(CPOB)" is used as a placeholder for the new, reformed CPOB envisioned here. The CPOB is an entity comprised of three parts: (1) governing Board, (2) paid professional staff, and (3) a Community Advisory Council.⁸
- C. "Community" refers to the people residing in Dallas, as well as each of the neighborhoods in which they live and work.
- D. "CPRB" refers to the existing ordinance and policies informing the Dallas Citizens Police Review Board mission, responsibilities, and authority. It does not refer to the individual Board members of the CPRB.
- E. "Critical incident" refers to an incident that has the potential to result in controversy or conflict involving the police and the community.
- F. "DPD," "Police," and "Police Department" refer to the Dallas Police Department.
- G. "Early Warning System" refers to Dallas's existing Management Awareness System/Early Warning System, in which DPD supervisors monitor, report, and archive officer actions to improve accountability.

II. Mission, Objectives, and Duties

A. Mission

The Dallas Community Police Oversight Board is an independent civilian administrative agency whose primary mission is to promote respect and public trust between residents and the Dallas Police Department.

B. Objectives

- Protect the civil and legal rights of Dallas residents with regard to local law enforcement by providing an objective, fair process for hearing complaints and overseeing Police.
- Build trust between Dallas Police and the communities they serve.
- Improve public safety and quality of life.

⁸ These bodies are described in detail in Section IX, *infra* at 18.

C. Duties

Provide a Fair and Thorough Complaint Process

- Serve as the singular, end-to-end process manager of resident complaints concerning Police.
- Provide a safe, unintimidating environment for assisting complainants.
- Work with Police to ensure that complaint forms gather relevant information for investigation and analysis.
- Facilitate open, public access to complaint forms and the submission process.
- Conduct initial complainant interview and recommend appropriate investigative process to Police for confirmation.
- Offer residents the opportunity to mediate complaints when appropriate.
- Monitor DPD's process for investigating complaints by witnessing all interviews, reviewing all evidence, accessing relevant Police data, hearing and reviewing preliminary Internal Affairs findings and disciplinary actions, and making recommendations concerning those findings and disciplinary actions.
- Initiate independent investigations when deemed appropriate.
- Notify complainants of outcomes of DPD and CPOB investigations.

Improve Police Interactions with Residents Through Policy Recommendations

- Proactively identify opportunities to improve Police performance by recommending changes to customs, policy, procedures, practices, training, continuing education, and the early warning system to the Police Chief, City Manager, Mayor, and City Council.

Productively Engage with the Community

- Engage in community outreach to inform the public about CPOB and gather input regarding neighborhood policing.
- Facilitate and participate in communication to the public concerning critical incidents and other times of crisis.

Be Transparent and Accountable to the Community

- Ensure accountability to the community, Mayor, and City Council through regular reporting and transparency of CPOB and DPD activities and performance.

III. Operating Principles

A. Structural Independence

The CPOB will be a civilian-led oversight agency, independent of the Dallas Police Department. Its structural independence will ensure the integrity of investigations into complaints, critical incidents, and other reviewable incidents; as well as its recommendations concerning Police policies, practices, training, continuing education, and the early warning system.

B. Procedural Fairness

The CPOB will provide residents with a civilian-led complaint process employing transparent procedures that ensure consistent intake, tracking, and processing of complaints; timely and thorough investigation; fair and objective resolution; and public reporting.

C. Public Outreach & Engagement

The CPOB will engage residents to ensure the public is aware of and can engage in the complaint process, voice concerns about neighborhood policing, and provide feedback concerning Police customs, policies, procedures, practices, training, continuing education, and the early warning system.

D. Transparency & Accountability

The CPOB will ensure the transparency of its own activities and relevant Police behaviors and practices, and will be accountable for doing so through public reporting on its work, presented regularly to the community, Mayor, and City Council and archived online.

E. Training & Continuing Education

The CPOB will receive robust training and continuing education from experts in the community and members of the Police to ensure its members and staff can execute their duties with competence and fidelity.

IV. Implementation: Structural Independence

The CPOB shall operate as a civilian-led police Community Oversight Board, independent of the Dallas Police Department and reporting to the public, the Mayor, and City Council, and with the authorities, duties, and responsibilities outlined herein.

Generally, the CPOB will perform the following duties to provide residents fair and thorough oversight of the Police Department:

- Provide a process that ensures fair acceptance and processing of complaints;
- Monitor, investigate, and make recommendations concerning complaints, critical incidents, and other reviewable incidents;
- Launch investigations, independent of Police, when necessary;
- Issue disciplinary recommendations; and
- Issue recommendations concerning Police Department policies, practices, training, continuing education, and the early warning system, among others.

A. Scope of Authority

CPOB shall have the authority to review and/or investigate any complaint submitted concerning any incident involving the Dallas Police Department, regardless of its subject matter or the identity of the complainant. Complaints may concern issues including, but not limited to: death,

serious bodily injury, excessive use of force, sexual assault, unlawful arrest or detention, discrimination, racial profiling, harassment, abusive language, retaliation, abuse of authority, failure to provide identification, and failure to follow law or policy, among others.

CPOB will also have the authority to investigate any of the following categories of incidents, regardless of whether a complaint has been made or whether there has been an allegation of misconduct:

- Any incident in which a Police officer discharges (1) a firearm in a manner that potentially could strike an individual; (2) an electronic control weapon in a manner that results in death or bodily injury; or (3) any use of force that results in death or serious bodily injury;
- Any incident in which a person dies or sustains serious bodily injury while detained or in DPD's custody, or as a result of police actions, such as during an attempt to apprehend a suspect;
- Any incident involving improper search or seizure of individuals or property, or unlawful denial of counsel; and
- Any critical incident.

B. Complaint Submissions

The CPOB shall serve as the singular, end-to-end process manager of resident complaints concerning Police, as described in Exhibit 1. CPOB will oversee the complaint acceptance system,⁹ and all complaints, regardless of their point of origin, will be funneled to CPOB for processing. CPOB will be the principal interface with all complainants beginning with an intake interview, and concluding with a letter outlining the investigation's conclusions. Upon receipt of a complaint alleging personal injury or property damage, CPOB will automatically forward the complaint document to the City of Dallas's Office of Risk Management.

The CPOB has the authority to implement the duties and policies presented in this document and make changes to the complaint process with a majority vote of the CPOB Board.

C. Monitoring & Investigating Critical Incidents and Complaints

CPOB shall have full monitoring and investigative powers to be used at its discretion over any investigation by a Department Supervisor or Internal Affairs.

The power to monitor an investigation includes:

- Observing All Investigative Interviews: CPOB staff shall be present with DPD Internal Affairs and Division Supervisors to witness all related interviews, including of the complainant, officer involved, and any witnesses. Staff may not query interviewees directly, but may suggest questions or lines of inquiry to the Police investigator, so long as such suggestions are made outside the presence of the interviewee.
- Free and Timely Access to all Investigative Evidence and Police Data: This shall include physical evidence, documents, notes, reports, things, and video related to the incident, as well

⁹ Details concerning the complaint submission process and the CPOB's role in facilitating access to that process are outlined below in Section V, *infra* at 12.

- as any data necessary to contextualize individual complaints and review relevant institutional practices and behaviors. Unless required by law, DPD shall not destroy or discard any of the foregoing prior to written agreement by CPOB.
- Issuing Evidentiary Retention Requests.
- Recommending Additional Investigative Steps after hearing preliminary Police findings.
- Recommending Additional Training or Discipline to the Police Chief after hearing proposals for disciplinary action.

The power to independently investigate includes everything outlined above, plus:

- Receiving New Evidence from External Sources.
- Subpoenaling and Hearing Testimony: This includes issuing and pursuing enforcement of subpoenas for any witnesses and City of Dallas employees or others, as well as subpoenas for documents, upon a simple majority vote of a quorum of the CPOB Board.¹⁰
- Hiring additional or contracted staff for field investigation, as necessary.
- Issuing investigative findings and recommendations regarding complaint status, disciplinary action, and police training to the Police Chief, City Manager, Mayor, and City Council.

D. Evaluating Police Findings and Initiating Investigations

Prior to concluding an investigation and assessing whether law or policy was violated, the Internal Affairs staff assigned to investigate the incident must provide preliminary findings to the CPOB, first in writing and then, after providing sufficient time to review, by oral presentation.

Prior to disciplining an officer for violation of law or policy, the Internal Affairs staff assigned to the incident must present preliminary disciplinary recommendations to the CPOB, first in writing and then, after providing sufficient time to review, by oral presentation.

Once informed by CPOB Staff, the Board may at its sole discretion take any of the following actions when presented with Police case report findings and recommendations:

- Accept all or some of them;
- Request revisions to the case report without changing the finding;
- Request further DPD investigative steps;
- Recommend discipline, training, and/or policy or procedural changes; and
- Initiate an independent CPOB investigation.

Internal Affairs staff must provide a timely written response to any CPOB recommendations regarding additional investigative steps, or different officer discipline or training.

At any juncture of an investigation, CPOB shall have the power to initiate independent investigations of any complaint, critical incident, or other reviewable incident. In deciding whether to exercise its investigative authority, CPOB may consider among other things:

¹⁰ The problems with the current subpoena power are outlined in the Report of Congresswoman Eddie Bernice Johnson's Task Force on Citizen Review of Police at page 12, available at <http://motherjacks.senate.gov/records/2018/03/Task-Force-Report-on-Citizen-Review-of-Police-15-February-2017-FINAL.pdf>.

- Responsiveness of Internal Affairs to CPOB's requests and recommendations during monitoring;
- Whether Internal Affairs obtained and reviewed all requested physical evidence, documentation, witness statements, and other things pertinent to CPOB efforts;
- Whether Internal Affairs appropriately weighed the above-mentioned evidence; and
- Whether Internal Affairs appropriately applied the above-mentioned evidence to departmental policies, practices, and procedures.

Upon the resolution of a complaint, it shall be the responsibility of CPOB to communicate final decisions to complainants.

Anonymous information concerning investigative findings (regarding the incident and/or officer discipline) may be shared with the Mayor and City Council at the discretion of the CPOB, and will be aggregated for CPOB reporting.¹¹ Complainants will have the opportunity to make the details of CPOB's investigative findings public on its website. Investigative findings concerning critical incidents or other reviewable incidents outside of the complaint process will automatically be made public.¹²

F. Recommendations Concerning Customs, Policies, Practices, Procedures, Training, Continuing Education, and the Early Warning System

Either in response to monitoring or investigation of a complaint, or as part of an independent inquiry, the CPOB must regularly review Police customs, policies, practices, procedures, training, continuing education, and the early warning system. The Police Chief must also notify the CPOB any time she changes existing policy/procedure or promulgates new policy/procedure that may affect relations between the community and DPD, thereby allowing the CPOB to review such policy/procedure.

Following such review, CPOB is empowered to recommend changes to the Police Chief, Mayor, and City Council.

Authority to Access Information: The CPOB shall have the authority to request and receive from the Police Department on a timely basis any information (including but not limited to statistical and other data, case-related information, officer personnel files or disciplinary records, and access to software or computer programs), which CPOB deems necessary to make the aforementioned recommendations.

Authority to Assess and Recommend Police Policies, Procedures, Practices, Training, and Continuing Education: The CPOB shall have the authority to review aggregate police and public data of all types, including but not limited to such items as arrests, complaints, community concerns, public policy, etc., in crafting policy, procedures, practices, training, and continuing education recommendations aimed toward improving the quality services of the Dallas Police Department.

¹¹ Discussion of CPOB's reporting requirements is detailed in Section VII, *infra* at 17.
¹² Information related to individual officers will be released in accordance with DPD policy.

Authority to Assess and Make Recommendations Regarding the Early Warning System: The CPQB shall have the authority to assess and make recommendations for improvements to the Dallas Police Department's early warning system.

Recommendation Process (Exhibit 3): When proposing changes, deletions, or additions to police policies, procedures, practices, training, continuing education, or the early warning system, the CPQB shall undertake the following process:

- Identify an issue.
- Review existing Police Department customs, policies, procedures, and practices regarding the issue.
- Research other policies (including model policies and procedures from other cities) and evidence-based law enforcement practices regarding the issue.
- Gather public comment in whatever means the CPQB deems appropriate and sufficient (which may include online publication or feedback, town halls, etc.) and with the assistance of community leaders.
- Present recommendations to the Community Advisory Council for feedback, and evaluate that feedback for incorporation into recommendations. If the Board chooses not to incorporate any feedback provided by the Community Advisory Council, it must provide its reasons in writing, available in a publicly accessible format.
- Present recommendations to the Chief of Police for review. The Chief may accept outright, suggest modifications, or deny. In each case, the decision and rationale must be timely presented in writing to the CPQB.

All CPQB policy recommendations (including responses to Community Advisory Council feedback) and the Chief of Police's written response shall be published and available to the public. When recommendations have been denied, the Board may also present its recommendations at its sole discretion directly to the Mayor and City Council for consideration.

V. Implementation: Procedural Fairness

A. Complaint Form

The CPQB is empowered to ensure that access to the complaint process is simple and convenient for all Dallas residents, and presents no burdens to any individual regardless of race, color, nationality, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations, neighborhood of residence, language spoken, or citizenship status.

Complaint forms will be developed by CPQB in concert with Police to ensure relevant case information is collected, and that the form is easy to understand and use and accessible in various languages spoken in the city. The complaint form must collect, at the very least, information CPQB deems necessary to observe complainant and Police-related trends over time, and the

information required to satisfy the City's notice requirements under Texas Civil Practices and Remedies Code § 101.101 and Chapter XXIII of the City of Dallas Charter.¹³

- Accessibility of forms:
- Complaint forms will be available in as many brick-and-mortar locations as CPOB deems practical, ensuring easy access across all districts. Locations may include the CPOB offices, City Hall, City buildings and offices, City Council offices, libraries, schools, jails, police stations, advocacy organizations, etc.
 - Forms will be available online for download, electronic submission, or emailing direct to CPOB, as permitted by state law, via select websites such as the City of Dallas, Dallas Public Library, City Council members, Dallas County Jail, advocacy organizations, etc.
 - Complaints may also be submitted by mail (postage free), fax, telephone, or in-person at the CPOB office.
 - Appropriate accommodations shall be established by the CPOB to make the complaint process accessible to individuals with disabilities and limited English proficiency.

Complaints may be made anonymously. Complaint forms will advise that making anonymous complaints may limit investigation, evidence gathering, and action, etc., affecting the outcome of the complaint.

Complaint submissions shall be made no more than 180 days after the date of an incident.

B. Complaint Process (See Exhibit I)

The CPOB has authority to review public complaints regarding Police, and all complaint submissions will be funneled to the CPOB. The complainant will be notified upon receipt (mail/email) and requested to call the CPOB for an initial interview and overview of the process. The initial interview will be conducted (in person or over the phone) by a CPOB staff member to explain the process and CPOB's role, and establish basic case facts, including the nature of the allegations and potential witnesses. Following that conversation, CPOB will make a preliminary decision to determine whether the complaint is reviewable:

- If the complaint is reviewable, CPOB will classify the complaint to determine whether the complaint is eligible for mediation, resolution by Division Supervisors, or resolution by Internal Affairs.
- If the complaint is eligible for mediation, CPOB will determine whether the complainant wishes to pursue that option.

CPOB and DPD shall follow the process required for each of the three resolution processes: Internal Affairs, Division Supervisors, and mediation, as described in the Process Map (Exhibit I). As described below, CPOB retains its monitoring and investigative authority when a complaint is resolved through Internal Affairs or a Division Supervisor.

¹³ That information includes the time and place of the incident, details about the incident, details about any property damage or injury claimed, and the amount of damages claimed.

C. Resolution of Minor Complaints (Exhibit 1)

Residents filing minor complaints may have the option of mediation or investigation of the complaint by the Division Supervisor.

1. Complaints Directed to Division Supervisors

If a complainant elects to resolve a complaint through the Division Supervisor, CPOB will forward the complaint to Internal Affairs, and Internal Affairs will share the complaint with appropriate Division Command.

CPOB retains the same monitoring and investigative authority over this process outlined in section IV.

Upon the completion of the Division Supervisor process, the complainant will complete an exit survey, whose results will be compiled with others to track the efficacy of the process. If the complainant is not satisfied, and CPOB staff determines further investigation is warranted, CPOB will recommend that Internal Affairs conduct further investigation.

2. Mediation of Complaints (See Exhibit 2)

In this context, mediation refers to a process that allows a complainant to resolve a complaint by talking face-to-face with an officer, guided by a trained mediator. The mediator will facilitate a discussion about the complainant's point of view and concerns, as well as the officer's point of view and explanation for his or her actions. The goal of the session is to come to a shared understanding about the incident and a mutually acceptable resolution.

a) Eligibility for Mediation

A complainant may choose to resolve a complaint involving minor allegations of misconduct through mediation rather than Division Supervisors.

Mediation is available only if:

- Both the complainant and officer agree to participate; and
- The officer has not previously resolved a complaint through mediation in the last six months.

Internal Affairs must first confirm CPOB findings that all appropriate criteria have been met before determining if the officer is willing to participate. Once the complainant and officer are confirmed as eligible for mediation, CPOB shall contact Internal Affairs so that the officer's chain of command can advise the officer of the complainant and complainant's election of mediation. Within two days of notification, the officer must contact Internal Affairs to accept or decline the offer of mediation. If the officer declines to mediate the complaint, Internal Affairs will notify CPOB and forward it for review by the appropriate Division Supervisor (following the process outlined in Section V(D)(1)).

Appropriate accommodations shall be in place to make the mediation process accessible to individuals with disabilities and limited English proficiency.

b) Mediation Process

Mediations will be conducted by a neutral person(s) qualified to provide mediation services. If such a resource is available through existing City contracts it will be used; alternatively, CPOB may seek City assistance to contract with a third-party mediator to provide services.

All participants in the mediation shall sign binding confidentiality agreements prior to engaging in mediation. Those agreements will make clear that any statements made during mediation cannot be admissible in court; documents or information created or retained pursuant to mediation cannot be subpoenaed; and the mediator and participating staff may be called as witnesses concerning the incidents discussed during mediation. The mediator, complainant, and officer shall have access to all audio or visual evidence for the session.

A mediation may resolve with an agreement between the parties, or may resolve when the mediator terminates the session because a satisfactory resolution cannot be reached. A resolution may be as simple as an agreement that both parties better understand each other's experiences or viewpoints, or it may involve a more specific agreement where the complainant or officer agree to particular action(s) or next steps.¹⁴

Upon the conclusion of mediation, the complainant and officer will each complete an exit survey, the results of which will be compiled with others to track the efficacy of the process. CPOB shall notify Internal Affairs that the complaint has been resolved through mediation so it may be noted in the officer's file. An officer may not receive any formal discipline for a complaint resolved through mediation. Once a mediation has concluded, a complainant may not seek investigation of that complaint through Division Supervisor or Internal Affairs review. Participation in mediation does not waive any of the complainant's legal rights to seek redress in court.

D. Resolution of All Other Complaints: Formal Internal Affairs Review (Exhibit 1)

Residents filing complaints that are not eligible for mediation or referral to a Division Supervisor will be handled by Internal Affairs. CPOB retains the same monitoring and investigative authority over said process outlined in section IV. A complaint is only resolved after the CPOB has heard the preliminary findings and disciplinary recommendations from the Police, made its recommendations, and/or exhausts its investigative authority. Upon the resolution of the complaint, the complainant will complete an exit survey, which results will be compiled with others to track the efficacy of the process.

¹⁴ Examples of resolutions to police complaints are available at *Coming Together to Resolve Police Misconduct: The Emergence of Mediation as a New Solution* by Ryan P. Hatch, available at https://kb.osu.edu/bitstream/handle/1811/77213/OSJDR_V21N2_0447.pdf.

¹⁵ Discussion of CPOB's reporting requirements is detailed in Section VII, *infra* at 17.

Annual Engagement Calendar: The CPOB will create an annual engagement calendar using a combination of regularly scheduled programs, public hearings, forums, and surveys. Outreach will be made to residents of all Districts. CPOB will have the authority to prioritize outreach

B. Community Engagement

The CPOB will have the authority to engage in and facilitate communication concerning critical incidents, including but not limited to the timely release of information to the community concerning the incident and the officer involved.

A. Response to Critical Incidents

- Respond to critical incidents.
 - Secure community input concerning CPOB's recommendations to Police policies, practices, training, continuing education, and early warning system.
 - Generate feedback and discussion about neighborhood/district attitudes toward police and areas of concern.
 - Create awareness of the new CPOB, its objectives, and complaint process.
- To promote and improve community trust in police, CPOB will engage residents regularly both in their communities and online to:

VI. Implementation: Public Outreach & Engagement

Complaints will also be tracked in the aggregate so that CPOB may gather, analyze, and report to the public¹⁵ the number of complaints and other complaint-related relevant information, including but not limited to: nature of complaints, information related to complainants, and information related to officers involved.

Upon a final resolution of the complaint, CPOB will send a letter formally advising the complainant of the findings and ruling.

Complaints will also be tracked in the aggregate so that CPOB may gather, analyze, and report to the public¹⁵ the number of complaints and other complaint-related relevant information, including but not limited to: nature of complaints, information related to complainants, and information related to officers involved.

All parties involved in resolution will strive to meet standard deadlines; if those deadlines are not met, the Board must be notified, and make a determination that additional time is warranted. All complaints will be resolved prior to the expiration of any contractual or statutory deadline for imposing officer discipline. Standard deadlines for resolving complaints will vary based on which resolution process a complainant elects. The standard deadlines will be set by the Board after consultation with Internal Affairs, CPOB staff, and the mediation team. Generally, resolution by Internal Affairs will have the longest standard deadline; mediation will have the shortest deadline; resolution by a Division Supervisor will be somewhere in between.

CPOB shall implement a system enabling complainants to monitor the status of their complaint online. Complainants will be provided with a deadline by which their complaint will be resolved.

E. Complainant Tracking

based on needs within particular communities and should be responsive to requests to participate in community events.

CPOB will capture and report relevant data on all outreach and engagement with the community, including location, district, nature of engagement, number of events, number of people, number of youth, resident feedback received, etc., as CPOB deems appropriate for measuring performance and public reporting.

Public Hearings: Public hearings will be conducted at least quarterly at various locations throughout the City, during which residents may report issues concerning Police customs, practices, policies, procedures, and programs for CPOB review.

Community Research: Community surveys, focus groups, or other feedback mechanisms will be administered at least once a year to measure key performance indicators and public sentiment in all districts and neighborhoods.

C. Online Community Engagement

CPOB will also engage the community through digital resources, including but not limited to a website providing relevant and timely content, such as:

- Mission and Objectives;
- CPOB Board and Staff members, including biographies and contact information;
- Complaint form for download or electronic submission;¹⁶
- Instructional guides related to the complaint process and the CPOB's authority;
- Expected timeline for complaint resolution through mediation, and either Supervisory or Internal Affairs investigations;
- Access to historical arrest and complaint data via internet links;
- Annual plan and discretionary reports;
- Community engagement calendar;
- How to request CPOB participate in a neighborhood or organization event;
- Links to agendas, minutes, and video recordings of CPOB meetings; and
- Social media and other relevant links.

VII. Implementation: Accountability and Transparency

The CPOB will act independently of the Police and report to the community, Mayor, and City Council. It serves and is accountable to the people of Dallas.

A. Planning and Reporting

The CPOB shall update the Public Safety and Criminal Justice Committee about its activities quarterly, and more often as needs arise. The CPOB shall create short and longer-term plans, as approved by the Mayor and City Council, to establish performance goals, key performance indicator, and strategy to accomplish those items.

¹⁶ More information about complaint form and accessibility is detailed in Section V, *supra* at 12.

B. Annual Reports

The CPOB will publish an annual report overiewing the work of the CPOB. The report shall be published and available online. The report should include items such as, but not limited to:

- Annual plan objectives;
- Overview of processes for complaint processing and how CPOB makes recommendations;
- Short and long-term trends regarding the relationship between the community and police;
- Key statistical information related to criminal enforcement in Dallas;
- Data concerning complaints received, including complainant race, ethnicity, age, disability status, home zip code, etc.;
- Mediation participation and satisfaction results;
- Complaints and findings, satisfaction results, officer discipline, process and timeliness satisfaction results;
- Critical incidents;
- Summary of all recommendations concerning policies, practices, procedures, training, continuing education, and the early warning system, and Police Department response (see Section IV(F)(6));
- Community outreach and engagement activities, including neighborhood people, and youth reached and resident feedback;
- Board productivity and efficiency analysis;
- Plans for the future, including areas of development or improvement, evolution of strategies, and topics of focus; and
- Staff and Board biographies.

VIII. Implementation: Training & Continuing Education

All CPOB Board members and staff will receive training associated with their appointment or hiring, as well as ongoing continuing education.

- All CPOB Board members and staff shall undergo training and continuing education concerning:
 - Dallas Police Department policies and procedures, including but not limited to use of force (including ECWs, chemical agents, and less-than-lethal weapons) and deadly force, de-escalation, interacting with vulnerable community members (including youth, individuals with disabilities, individuals with limited English proficiency, undocumented individuals, LGBTQ individuals, and survivors of violence), dash/body cameras, incident reporting, resident complaint and Internal Affairs processes, and officer training and continuing education requirements;
 - Constitutional law related to policing;
 - Cultural competency and implicit bias;
 - Resident perspectives, led by community advocates and experts, on historical, racial, socio-economic, and other local issues that inform community-police interactions; and
 - The breadth and depth of data captured by DPD relevant to CPOB's mission and duties.

- In addition to this general training:
- All CPOB Board members and staff involved in processing of complaints, mediation, and monitoring or investigation shall also receive training and continuing education on trauma-informed interviewing.
 - All CPOB Board members and staff involved in monitoring and investigating complaints shall receive training concerning best practices for collection and evaluation of evidence.
- Any CPOB Board or staff member who does not complete required training within a reasonable time as deemed by the CPOB will be dismissed and replaced.

IX. CPOB Structure and Funding

The CPOB shall be structured into three integrated parts: a civilian governing board; a professional, paid staff with relevant experience; and a Community Advisory Council.

A. Civilian Governing Board

1. Duties

The Board must meet at least once each month at time(s) and location(s) that maximize public engagement. More frequent meetings may be scheduled at the call of the chair. The Board shall use those meetings to accomplish the following duties:

- Ensure Board, staff, and Community Advisory Council remain dedicated to accomplishing the CPOB's mission and objectives.
- Ensure effective planning and development of annual and longer-term plans.
- Ensure staff and resources are used effectively and efficiently.
- Regularly evaluate and improve programs, services, and processes.
- Request budget and staffing resources from the Mayor and City Council each year.
- Manage the budget.

Oversight

- Hear and rule objectively on all resident complaints.
- Initiate independent investigations when necessary and in consideration of staff recommendations.
- Improve Police customs, policies, practices, procedures, and training where appropriate by making well-researched recommendations for consideration by the Chief of Police.
- Establish metrics and research capability for measuring performance against objectives in conjunction with staff.
- Communicate progress against objectives to the community, Mayor, City Council, and Police via annual and special reports, or other means.

Community Outreach

- Establish and sustain outreach efforts throughout Dallas with an aim to better understanding resident concerns with police, building confidence in the CPQB, and improving trust in Police.

2. Board Composition

The Board will represent the City's demographics as closely as practical, to be determined by the Board Chair and monitored thereafter. Once fully formed, the Board will be made up of 17 members. The Board Chair should monitor the qualifications of Board members to ensure they represent the diversity of experience sought.

Terms shall be staggered, and all Board members, including the Chairperson, shall be limited to serving no more than three terms, which shall each last 3 years.

3. Board Appointment Process

Each City Council member shall appoint one member, who will be confirmed by a majority vote of the City Council. The Chairperson shall be selected by the Mayor, for a total of 15 City-appointed Board seats. A Vice-Chair will be elected by the Board. Each appointee must meet the qualifications set out below. City Council members should solicit and Community Advisory Council members should make recommendations to City Council members concerning good candidates for open Board positions.

Once the Community Advisory Council is established, the Community Advisory Council members, as a body, shall appoint two of its own members to the Board, both of whom will be confirmed by a majority vote of the City Council, for a total of 17 Board seats.

4. Board Member Qualifications

Residents may qualify for Board membership if they fulfill one or more of the following criteria:

- Resident of the City for at least 2 years;
- Experience in criminal justice; or
- Community advocacy experience, particularly related to civil rights or within communities disproportionately impacted by the criminal justice system (including but not limited to people of color, youth, people with disabilities, people with limited English proficiency, undocumented people, LGBTQ people, people of Muslim faith, people experiencing homelessness, and survivors of violence).

Non-residents may also qualify for Board membership if they have worked in the City for at least two years in criminal justice or community advocacy, as described above.

The following persons shall be disqualified for appointment to and/or service on the Board:

- Persons who are in violation of Article XII "Code of Ethics" of Chapter 2 of the City code

and persons disqualified from appointment pursuant to Chapter 8-1.4 of the City code;

- Persons who are employees or business associates of either an adversary party or a representative of an adversary party, and persons who have a pecuniary interest, in any pending litigation or claim against the City relating to the board or the Police department or against any individual officer or employee of the Police department (unless unrelated to such individual's office or employment);
- Any current employee of the Dallas Police Department, or an immediate family member of a current Dallas Police Department employee; and
- Board members who fail to adequately execute their duties and do not remedy such conduct in accordance with Board policies and procedures.

Any Board member who is disqualified for appointment to and/or service on the Board as outlined above shall forfeit membership on the Board. Upon determination by the Board chair that a Board member is so disqualified, the Chair will notify that Board member and the City Secretary. The City Secretary will then notify the City Council that there is a vacancy on the board. A Board member required to forfeit Board membership will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the City charter.

Under no circumstances may the City Council or the Board chair be authorized to waive the requirements for appointment to or reasons for disqualification from the Board referenced above.

B. Professional Staff

Professional staff with relevant experience will report to the Board and assist in implementing its duties.

I. General Responsibilities

Generally, the staff's responsibilities will include:

- Managing the complaint process, including creation of a complaint form (in conjunction with the Police); form and submission accessibility; receipt of complaints; initial complainant interviews; classification and data capture; managing the mediation process; coordination with Police Department regarding investigations; witnessing Police Department interviews of complainants; making recommendations to the Board regarding the disposition of cases; and recommending any need for further Police Department investigation, disciplinary action, or independent CPQB investigation;
- In the event of independent investigation, managing and coordinating the investigation and any cooperation with outside investigators in preparation for a full review before the Board;
- Requesting and analyzing information related to investigation of a complaint, critical incident, other reviewable incident, or recommendation concerning policy, discipline, training, continuing education, and the early warning system;
- Supporting a Community Advisory Council in efforts related to community outreach and collecting feedback;
- Authoring annual reports and other published documents requested at the discretion of the Board; and
- Providing content for the Board's website and other owned digital media.

2. Staff

The following position-types are envisioned:

Director: The staff will be led by a Director, who will have a strong background in criminal justice, government affairs, and civil rights. The Director will provide the organizational leadership necessary to plan, organize, direct and evaluate the office's people, services, policies, procedures, and complaint process in the context of fulfilling the CPOB's mission and duties. The Director will also have competency in directing and managing investigations.

The Director will hire the remainder of the CPOB's professional staff.

The Board will be responsible for approving a formal job description for the Director role. Once approved, the City Manager's Office will conduct a search for candidates to be presented to the Board for interviews, community feedback, and recommendation to the City Manager.

Complaint Specialists will act as the complainant advocate, responsible for:

- Acknowledging a complaint has been received;
- Initial interviews of complainants;
- Preliminary classification of investigation type (Internal Affairs, Supervisor, mediation);
- Coordinating with the Police on complaint classifications, monitoring, and evidence and data requests;
- Witnessing Police interviews of complainants;
- Requesting Police evidence or data;
- Managing the mediation process;
- Managing the investigation process, including (if necessary) contracting a third-party investigator;
- Ensuring status updates are available to the complainant; and
- Notifying the complainant about the final disposition of the case.

Community Outreach Specialists will assist the Board and Community Advisory Council with public engagement. Specifically, they will:

- Develop and coordinate an integrated outreach program;
- Create a strategic outreach plan to ensure engagement across all city districts, as well as targeted efforts in high-need areas;
- Encourage communities and organizations to invite CPOB representatives to attend and participate in events; and
- Provide timely content for the Board's website and other owned digital media.

Data Specialists will handle all data-related matters necessary to contextualize complaints and critical incidents and to evaluate Police practices. Specifically, they will:

- Collect data from Police or other sources for statistical analysis and analyze that data for trends and patterns;
- Ensure relevant data is captured and available through DPD systems, and make recommendations when it is not; and

- Assist Complaint Specialists in capturing data concerning complaints.

Analysts will analyze Police practices, policies, training, continuing education, and early warning system to assist the Board in making recommendations for improvement.

Administrator will be the primary administrative resource for staff and a receptionist for callers and visitors.

Attorney, who specializes in civil rights and community-police relations, will provide legal expertise to the Board and staff. Although the attorney can be employed part-time, the attorney may not be employed by the City in any other department.

C. Community Advisory Council

The Community Advisory Council will institutionalize a structural, lasting link between the community and CPOB. The Council exists to ensure that the CPOB maintains a permanent relationship with the communities that it serves. The Council will consist of up to 15 Dallas residents who perform four primary functions:

- Promote community awareness of CPOB and its services;
- Advise staff about community-related issues;
- Provide feedback on CPOB recommendations concerning policy, procedures, training, continuing education, and the early warning system; and
- Appoint two Board members to the Board.

Community Advisory Council members will be appointed by the Director through an open application process and comprised of residents reflecting the diversity of the City's demographics, neighborhoods, and advocacy groups. The Board may change the minimum or maximum number of Community Advisory Council members at its discretion. The Advisory Council may also make such recommendations about its composition to the Board. Terms shall be staggered.

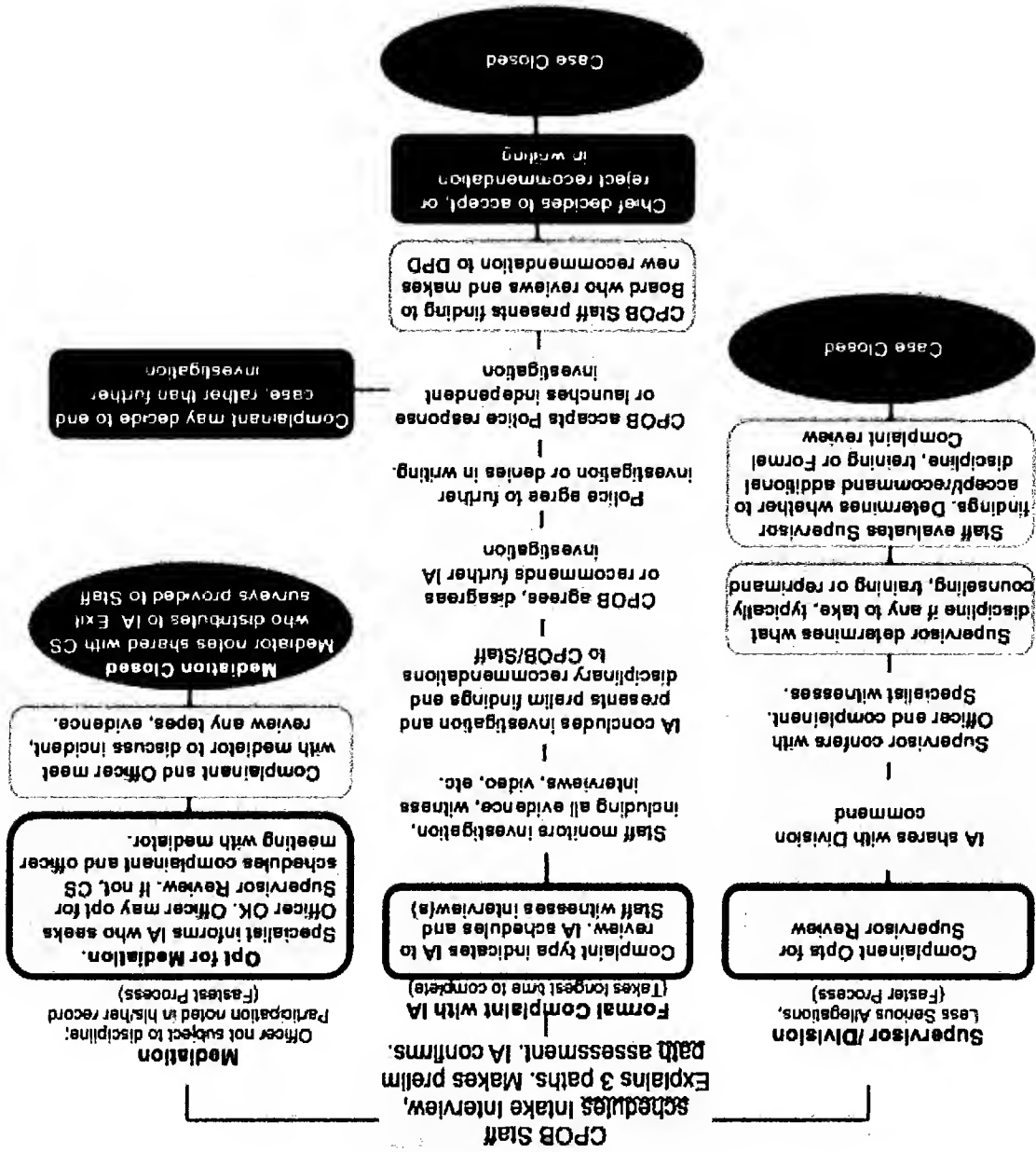
Members will attend quarterly meetings attended by CPOB staff and/or Board members, and also be on-call for special-needs meetings as requested. Members may make recommendations to CPOB Board members and staff concerning the execution of their duties, based on their experience and feedback from the community.

D. Budget

The CPOB shall annually submit an operating budget to the City sufficient to accomplish its mission and objectives. For reference, annual budgets for other major city police oversight entities are located in Exhibit 5.

Exhibit 1: Complaint Process Map¹⁷

Residents access complaint form from various locations across the City or Online. Submissions are made to the same locations or direct to CPOB to initiate process. All complaints funnel to CPOB



¹⁷ Adapted from the Austin Office of the Police Monitor.

Exhibit 2: Mediation Process Map¹⁸



¹⁸ Adapted from the Austin Office of the Police Monitor.

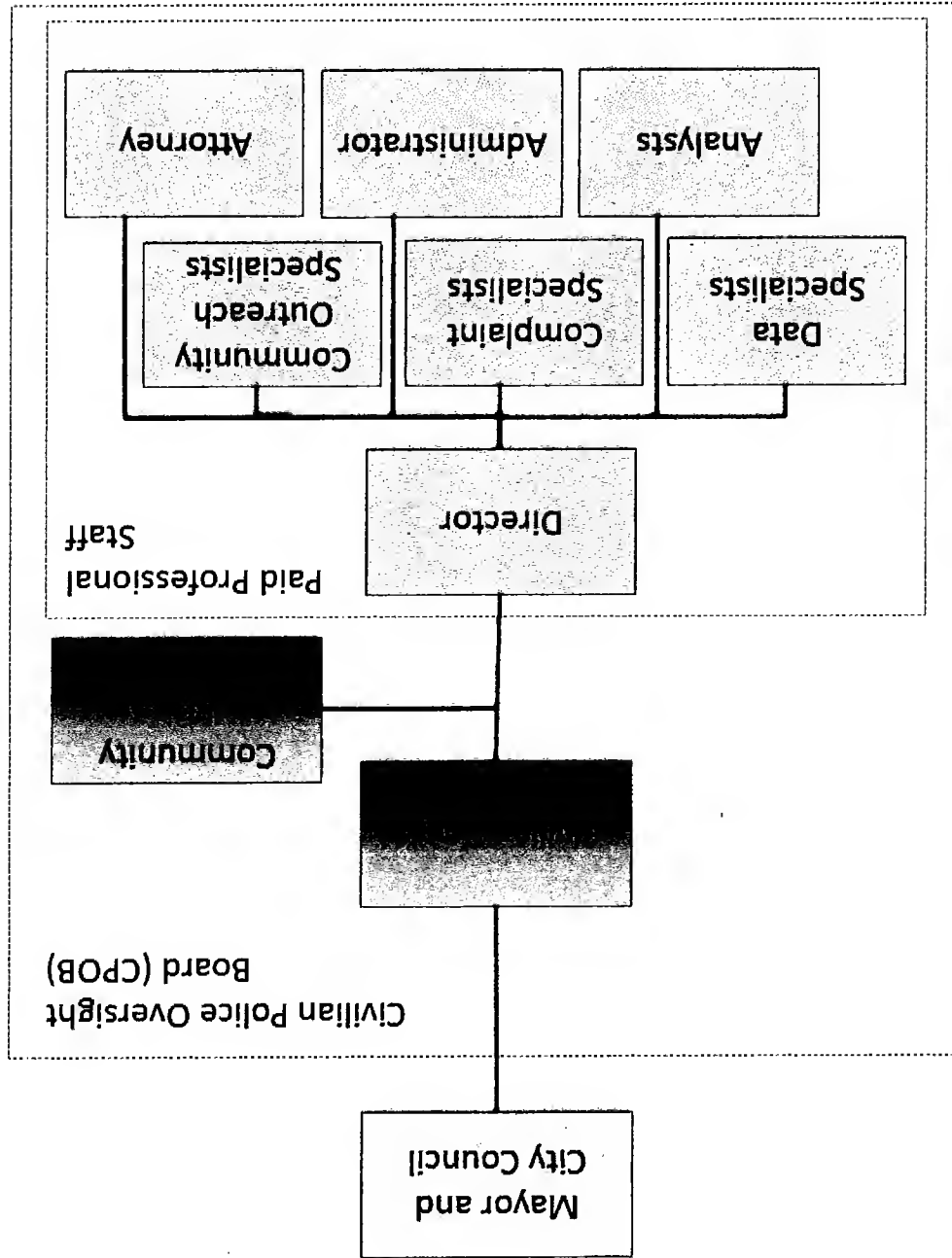
Exhibit 3: Policy Recommendation Process Map¹⁹

NOTE: Sample applications are fictional and not based on a review of DPD policies/practices.

CPOB Steps		Sample Application 1		Sample Application 2	
1	Identify an issue	Officer tased an arrestee while the arrestee was already detained in handcuffs.		Residents have raised concern over arrests for lack of driver's license in a majority Latino-area of the city, which has led to multiple deportations.	
2	Review existing policies and practices regarding the issue	Dept. does not have a policy concerning use of electronic controlled weapons and their application. Police deploy tasers approximately 100 times per month.		Statistical review shows 100 of these cases in the last three months, most generating from 7 particular officers. Texas law and Dept. policies permit officers discretion to cite or arrest for failure to display driver's license.	
3	Research other policies (including model policies and policies from other cities) and evidence-based law enforcement practices informing the issue	Most jurisdictions have policies prohibiting the use of electronic controlled weapons on arrestees when arrestees are in handcuffs, unless lesser force has been ineffective and use is necessary to prevent serious bodily harm to self or others. Police Executive Research Forum (PERF) recommends the same.		Some jurisdictions, in an effort to promote trust between police and immigrant communities, have established a no-arrest policy for failure to display a driver's license.	
4	Gather public comment in whatever means CPOB deems sufficient	CPOB hosts a series of open forums in different areas of the city to collect resident input on appropriate policy concerning ECWs.		CPOB arranges listening forums facilitated by organizations that work with undocumented residents in safe spaces throughout the city to collect resident input on appropriate policy concerning arrests for failure to display a driver's license.	
5	Incorporate Community Advisory Council feedback	CPOB presents recommended policy to Community Advisory Council members; a majority of Council members suggests change and CPOB incorporates.		CPOB presents recommended policy to Community Advisory Council members. One Council member suggests a change that CPOB chooses not to incorporate, and CPOB provides written explanation.	
6	Present recommendation to Chief of Police for review	CPOB presents recommended policy to Chief; Chief agrees and drafts policy within 30 days.		CPOB presents recommended policy and training for 7 officers to Chief; Chief agrees and drafts policy and implements training within 30 days.	

¹⁹ Process map adapted from the San Jose Office of the Independent Auditor 2016 Year End Report.

Exhibit 4: Organizational Vision²⁰



²⁰ Paid professional staff represents types of positions envisioned without respect to the number needed.

Exhibit 5: Police Oversight Budgets for Other Cities

City	Entity	Full-time Employees	Budget FY2017-18
Atlanta	Atlanta Civilian Review Board	8	\$ 789,715
Austin	Office of the Police Monitor	9	\$1,159,532
Denver	Office of the Independent Monitor	13	\$1,565,923
San Jose	Office of the Independent Police Auditor	6	\$1,503,942